

Application No.: 10/524,781

2001P19538WOUS
Uwe PAULUHN *et al.*

REMARKS

Claim Status

After entry of this Amendment, Claims 7 - 22 are pending. By this Amendment, Claim 7 is amended. Claims 1 - 6 have been cancelled previously. No new matter has been added.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejects Claims 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by Lee (US 2002/0060985). Hence, the Examiner asserts that Lee discloses each and every limitation of Claims 7 and 8. For the following reasons, Applicants respectfully traverse.

Notwithstanding the propriety of the instant rejection, Claim 7 is amended, as set forth in the above listing of claims, to actively recite generating an error message when the signal transmission is interrupted upon occurrence of an imperfection in the one path, and transmitting the error message from a network node to the source node. These amendments are not made to establish patentability over the cited prior art including Lee.

Lee does not teach determining ... by the source node a substitute path for rerouting the signal transmission ... using a control signal generated by the source node

Lee teaches rerouting network traffic in case a failure occurs. To perform fast rerouting, Lee teaches a pre-established backup label switched path (LSP). ([0030] - [0031]) The pre-established backup LSP exists during normal operation and even before a failure occurs. Hence, when a failure occurs, Lee does not need to determine a substitute path. Therefore, Applicants respectfully submit that Lee does not teach determining, upon receipt of the error message, by the source node a substitute path for rerouting the signal transmission around the imperfection.

Further, as the backup LSP is already pre-established, there is no disclosure of a control signal generated by the source node to determine a substitute path. Therefore, Lee does not teach using a control signal generated by the source node to determine a substitute path.

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Lee does not teach establishing a second resource for switching the link sections of the substitute path ..., wherein the second resource is established using the control signal and the first resource, and wherein switched link sections common to the path and the substitute path are maintained

As discussed, Lee does not disclose using a control signal generated by the source node to determine a substitute path. Accordingly, Lee does not disclose establishing a second resource using such a control signal and the first resource.

Moreover, due to the fact that Lee uses a pre-established backup LSP, there is no disclosure of establishing a second resource such that only such link sections disposed in the rerouting and in need of reswitching are newly switched by the network nodes included in the rerouting, wherein switched link sections common to the path and the substitute path are maintained.

In view of the foregoing, Applicants respectfully submit that Lee fails to disclose at least the above discussed limitations of Claim 7, and, as such, does not anticipate Claim 7. Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(e) and to pass Claim 7 to allowance.

Claims 8 – 22 depend from Claim 7. For this reason and because of the additional features recited in Claims 8 – 22, Applicants respectfully submit that Lee does not anticipate Claims 8 – 22. Applicants respectfully request the Examiner to pass Claims 8 – 22 to allowance.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claims 8 – 14 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Nathan (U.S. Patent No. 6,052,210). Further, the Examiner rejects Claims 15 – 22 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Nathan and further in view of Flanagan (U.S. Patent No. 5,933,258). Applicants respectfully traverse.

Absent unacceptable hindsight that uses Applicant's claimed invention as a template for improperly modifying the prior art, Lee provides no suggestion for a method for managing resources that does not use a pre-established backup LSP. Nathan does not provide the features missing in Lee to anticipate or render obvious independent Claim 7. Claims 8 – 14 depend from Claim 7. For this reason and because of the additional inventive features recited in the dependent claims,

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Applicants submit that Claims 8 – 14 are patentable over Lee in view of Nathan, and respectfully request the Examiner to reconsider and withdraw the instant rejection, and to pass Claims 8 – 14 to allowance.

Similarly, Flanagan does not provide the features missing in Lee to anticipate or render obvious independent Claim 7. Claims 15 – 22 depend from Claim 17. For this reason and because of the additional inventive features recited in the dependent claims, Applicants submit that Claims 15 – 22 are patentable over Lee in view of Nathan and further in view of Flanagan, and respectfully request the Examiner to reconsider and withdraw the instant rejection, and to pass Claims 15 – 22 to allowance.

Summary of response

Applicants have responded to the rejections in the non-final November 13, 2007 Office Action by presenting the foregoing amendment and arguments. Applicants respectfully submit that Claims 7 – 22 are in condition for allowance, and respectfully request the Examiner to withdraw all rejections and to pass this application to the issue process.

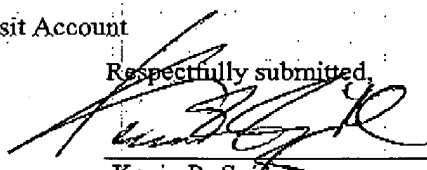
Request for telephone interview

The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P19538WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: 2/12/08

Respectfully submitted,


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